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24 July 1969

MEMORANDUM FOR THE RECORD

STATINTL

SUBJECT: Conversation with Dave Perry, BOB, re H.R. 4665,  
Private Bill for the Relief of [REDACTED]

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1. Received a call from Mr. Dave Perry, Legislative Analyst, Bureau of the Budget, concerning the Agency's report on H.R. 4665, a private bill for the relief of [REDACTED] USAR, a former Agency contract employee. A similar report was forwarded to the Bureau of the Budget in September 1968 but was not acted upon by the Bureau prior to the recess of the 90th Congress.

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2. Mr. Perry requested verification of the fact that [REDACTED] was retired from the military for disability and whether Public Law 88-448 did in fact authorize retroactive payment as cited in the fourth paragraph of the proposed report. Mr. Perry also observed that although the Agency's position on this private bill might be inferred from the report, the report does not state whether the Agency objects to or approves the proposed relief.

3. Review of the personnel file indicates the following:

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a. [REDACTED] was retired for disability under Department of the Army Special Order No. 198 dated 9 October 1957. Paragraph 77 provides in part: [REDACTED] (Arty)AIS (Maj-USAR) having been determined to be perm unfit for dy by reason of phys disability of 70 percent incurred while entitled to rec basic pay is ret fr active svc 16 October 1957 with grade and ret pay of Major as prov by title 10, United States Code, sections 1201 and 1372."

b. Paragraph 201(g) of Public Law 88-448 dated 19 August 1964 provides: "A member of any of the uniformed services, serving in the Army or Air Force of the United States

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without component, under an appointment made under section 515 of the Officer Personnel Act of 1947, in a temporary grade higher than, or the same as, the reserve commission he then held, who, prior to the effective date prescribed by section 403(a) of this Act, was retired for physical disability in such temporary grade, shall not be considered as subject to the restriction on the concurrent receipt of civilian compensation and retired pay contained in section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a), for any period following such retirement." (Emphasis added.)

c. Journal item of 4 September 1968 indicates that this office talked to Major Wheelock of the Bureau of the Budget and ascertained that under the circumstances of this case it would not be necessary for the Agency to make a comment on the merits of the bill.

4. I will call Mr. Perry in the morning and respond to his questions in accordance with the foregoing information.



Assistant Legislative Counsel

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OLC/JGO:sml (30 July 1969)

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